

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

WILLIAM RETTSTATT	§	
v.	§	CIVIL ACTION NO. 5:17cv39
JERRY ROCHELLE, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff William Rettstatt filed this civil rights lawsuit under 42 U.S.C. § 1983 alleging violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.


Plaintiff sued Bowie County District Attorney Jerry Rochelle, Assistant District Attorney Michael Shepherd, Judge Leon Pesek, defense attorney Will Williams, and the City of Texarkana Police Department regarding the circumstances surrounding his arrest and prosecution. On April 9, 2019, the Magistrate Judge issued a Report recommending the lawsuit be dismissed with prejudice for failure to state a claim upon which relief may be granted, but without prejudice to the Plaintiff's right to challenge his conviction through any lawful and proper means. The Report was sent to Plaintiff at his last known address but was returned as undeliverable. Plaintiff has not notified the Court of his current address or filed objections to the Report. Accordingly, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

Having reviewed the record in this cause and the Report of the Magistrate Judge, the Court finds no clear error in the Report of the Magistrate Judge. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 5) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 24th day of June, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE